



S.H. Merwin & Sons Inc.

38065 Z-Line Road

Clarksburg, CA 95612

Office: (916) 775-1698 Shop: 775-1653 Mill: 775-1282

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Department of Water Resources
Division of Environmental Services
P.O. Box 942836
Sacramento, CA 95814-6424

Re: Scoping Comments for the Bay Delta Protection Plan (BDCP)

Greetings,

These comments are in addition to my previous testimony, and written comments dated April 30, 2008. As I see it, this entire process is not being driven by a need to “fix the Delta”, but rather it is being driven by a dire need to export water south, and a realization that the only way that can happen is if the health of the Delta is enhanced. Although I am not a proponent of removing water from the Delta for any reason, the realities of our day are what we have to work with, and I have reached the conclusion that doing nothing is not an option. Quite frankly, an alternative water supply for Southern California through desalinization might prove to be the most cost effective solution in the end, but that is currently outside the scope of the BDCP, so I offer the following comments.

First, The Delta area and its inhabitants need to be protected from adverse impacts that are the result of any modifications to the current system. The potential impacts are many, and obviously would differ depending on what changes are made, but specifically the long term protection of the Delta infrastructure needs to be addressed. The levee system that is in place now, and that South state water users currently have a vested interest in helping to maintain, needs to have a mechanism built in that ensures continued funding for maintenance if an isolated conveyance option of any kind is implemented. Perhaps an endowment large enough to annually fund levee enhancement or protection / maintenance should be funded by water exporters who would benefit from the isolated conveyance. Further, there would need to be clearly defined limits on the extent to which the isolated conveyance may be used, in other words, it cannot be used to take water more aggressively than in the past.

There is a very real, (and historically justified – MWD vs. Owens Valley) public perception in Northern California that a separate conveyance around the Delta, literally moving the straw further upstream, will remove incentive to maintain water quality downstream of the straw which will ruin the Delta. This cannot be allowed to happen, and would need to be specifically addressed in any agreement to allow such a conveyance. If, the agreement is done right and the entire system is managed correctly, there may indeed be a way to make a dual conveyance system improve the water quality in the Delta.

Regarding any isolated conveyance that might be a part of a dual conveyance system I offer the following comments. I have seen maps outlining “eastern” and “western” alignments of such a

conveyance. It occurs to me that a significant portion of what would have been the Peripheral Canal was dug to provide fill dirt for I-5 in the 1970's. Is that factored into an eastern alignment option? If not, why not?

I live on the East berm (Right bank) of the Sacramento Deep Water Ship Channel, and I would prefer to see any "western conveyance" be located within the channel, and not across my farmland. The western alignment options I have seen both appear to have the diversion point set on the Sacramento River below East Bay MUD's Freeport diversion, but above the Sacramento Regional Wastewater Treatment outfall, then cutting SW across established vineyard to the eastern side of the Sacramento Deep Water Ship Channel, and running parallel to the channel to Rio Vista. Why would you build such a conveyance when a better one already exists right beside it? It occurs to me that you could build locks at the Rio Vista end of the Ship Channel, which would allow the channel to be operated both as a ship channel and a reservoir for water. The intake is in West Sacramento less than a mile downstream of the American River. Increase the water level of the channel by 5 feet, and you could have significant water storage within the Delta (27 miles x 500 feet wide / 43560 sq ft/ac x 5 feet = +/- 8200 acre feet) with very little downside that I can see. The Port of Sacramento might not want to deal with locks, etc. but I know that they are trying to deepen their channel by 5 feet to allow larger ships in. West Sacramento might be interested in eliminating the potential flood threat from the "live" open channel down stream. I think there could be significant benefits to a joint use. The Ship Channel levees are perhaps the most reinforced in the entire Delta due to the 250 foot wide spoil berms on each side. The impact of higher water within the port area and Lake Washington in West Sacramento would need to be studied, as would the impacts of the increased water level on the levees (possible re-engineering of slope to prevent erosion), and seepage issues. Potentially increased maintenance of the shipping channel would need to be factored in as well.

I also have read about the high costs of creating multiple siphons under both the Sacramento and San Joaquin rivers and several sloughs. Why not consider a diversion from the channel above, or near Rio Vista, on the west side of the Sacramento River or Cache Slough, then digging one siphon somewhere nearer to Collinsville?

Regarding agricultural diversions within the Delta, in addition to studying the costly installation of fish screens at all such diversions, perhaps the use of shallow wells on the land side of the levees that would tap natural seepage under the levees might be a viable solution in some cases. Although I am not squeamish about acknowledging that under levee seepage exists and is a normal part of a dynamic levee system, such tapping into sand or gravel strata that exist 10 to 30 feet below the ground surface would need to be carefully studied for the ability to stop or control the flow when necessary, and the quality of the shallow ground water compared to river water.

Habitat restoration or enhancement projects, specifically tidal wetlands or projects that require at or near sea level land, should be initiated on a very small scale and studied intensively for their effectiveness. The economic realities and intensive use of current farm land in that "zone" of the Delta dictate that such projects should occur primarily where flood easements or other such encumbrances already exist. The primary purpose of the Yolo Bypass network needs to be incorporated in any project (e.g.: you can't plant rows of trees across the flood area and expect the system to work as flood control). Detrimental impacts to neighbors such as increased insect or disease pressures, and seasonal odors need to be assessed. Also the economic impacts to agriculture adjacent to a project, such as spray buffers, potential hydrologic impacts such as increased seepage, and losses due to increased waterfowl feeding, need to be assessed and mitigated. As a life long resident and farmer in the North Delta, I have witnessed a tremendous increase in numbers and diversity of wildlife in the past forty years, including River Otter, Mink, coyote, raccoon, opossum, turkey, raptors including Swainson's and Marsh Hawk, egrets, Herons, Wood duck, pelican,

cormorant, sandhill crane, etc. The impacts on these Delta inhabitants needs to studied too.

With the increasing desire for alternative fuels, perhaps there are some potential scenarios that could prove to be mutually beneficial to farmers and the ecosystem. Has anybody studied the possibility of using Tules for biomass (cellulosic ethanol production, for instance)? Perhaps a rotational system of growing and harvesting tules might be established that would be economically viable for farmers, while producing desired benefits for the water. This is one of very few scenarios that I could envision any serious “reversion” of farmland outside of the bypass. I would prefer to see any such system implemented without cutting or moving existing levees, but there might exist opportunities using this strategy to make setback levees a more viable option in some cases. Are there any opportunities in harvesting as a way of controlling invasive pests such as aquatic primrose or milfoil for biomass or fertilizer or mulch?

These are all things that should be looked at. Thank you for the opportunity to comment.

Sincerely,

Jeffrey Merwin
President
S. H. Merwin & Sons Inc.